

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

ROBERT SCHELSKE, et al.,

Plaintiffs,

v.

No. 6:22-CV-049-H

LLOYD J. AUSTIN, III, in his official  
capacity as United States Secretary of  
Defense, et al.,

Defendants.

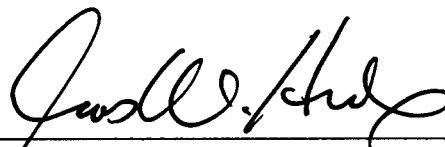
ORDER

On December 21, 2022, the Court issued a memorandum opinion and order granting the plaintiffs' motion for a preliminary injunction. Dkt. No. 78. In light of this ruling, the pending Motion to Certify Class (Dkt. No. 48) and Motion for Class-Wide Preliminary Injunction (Dkt. No. 50), and the legislative developments surrounding the National Defense Authorization Act for Fiscal Year 2023 (NDAA), the Court orders the parties to confer and inform the Court how they propose to proceed by no later than January 9, 2023. To the extent the parties disagree, the joint report should explain each side's proposal.

In particular, the defendants must state in the joint report whether they will request a stay of these proceedings, as the Department of Justice recently did in a similar case. *See* Motion to Stay Proceedings, *Colonel Fin. Mgmt. Officer v. Austin*, No. 8:22-CV-1275-SDM-TGW (M.D. Fla. Dec. 21, 2022), Dkt. No. 256.

Lastly, the Court reminds the parties of the order it issued at the preliminary injunction hearing requiring the defendants to give the Court at least seven-days' notice before separating any soldier for violating the vaccine mandate.

So ordered on December 22, 2022.

A handwritten signature in black ink, appearing to read "James W. Hendrix", written over a horizontal line.

JAMES WESLEY HENDRIX  
UNITED STATES DISTRICT JUDGE